



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Emma Best
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Somerville, MA 02144-2516
63293-19999959@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-002152
Request No. 1421620-000
CDT:PJA

VIA: Email

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning "[p]rofiles of hacker behavior." I note that your appeal concerns the FBI's determination that your request is not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming the FBI's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. 16.3(b) (2018). The FBI informed you that you did not reasonably describe the subject of your request. I have determined that the FBI's response was correct. FBI profiles of cybercriminals could be sprinkled throughout any number of cybercrime files, and it is unclear how the FBI could conduct such a search. Furthermore, it is not clear if you are seeking such information about a particular suspected criminal or a general profile that might be maintained by the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

4/22/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL